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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,570	11/08/2001	Jin Po Lee	086748-20	7953
46725	7590	10/14/2005	EXAMINER	
BERND W. SANDT 900 DEERFIELD COURT MIDLAND, MI 48640			ART UNIT	PAPER NUMBER

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notification of Non-Compliant Appeal Brief (37 CFR 41.37)</b>	<b>Application No.</b> 10/019,570	<b>Applicant(s)</b> LEE, JIN PO	
	<b>Examiner</b> Lyle A. Alexander	<b>Art Unit</b> 1743	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--


The Appeal Brief filed on 16 May 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

**EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☒ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☒ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See the attached summary of the headings to the Appeal Brief Headings. Appellant must provide each heading in their appeal brief -- specifically, there must be a "Related Proceedings Appendix" even if there are no related proceedings. Also, Appellants' have not addressed each grounds of rejection. Specifically, Appellants have not addressed the 35 USC 102(e) rejections over Chipowski that are in the final rejection of 11/26/05.

  
Lyle A. Alexander  
Primary Examiner  
Art Unit: 1743

## Appeal Brief Headings 37 CFR § 41.37(c)

- Real Party in Interest
- Related Appeals and Interferences
- The first two elements only require a heading for appeal brief to be properly filed.
- Status of claims
  - Rejected
  - Allowed or Confirmed
  - Withdrawn
  - Canceled
  - Claims on Appeal

## Appeal Brief Headings (cont.)

- Status of Amendments
  - Indicates status of After Final Amendments.
- Summary of Claimed Subject Matter
  - Refers to page and line number.
  - Also refers to drawings and element numbers, if appropriate.
  - All means plus function and step plus function limitations set forth in all separately argued claims by appellant must be identified in the specification by page and line no.
  - Administrators determine if summary exists - panel makes specific determination as to sufficiency of the Summary.
- Grounds of Rejection to be Reviewed on Appeal
  - A concise statement of each ground of rejection presented for review.

## Appeal Brief Headings (cont.)

### ■ Argument

No order set forth in the rule.

Any argument or authority not set forth in the Appeal Brief or Reply Brief will not be considered.

Appellant must set forth each ground of rejection under its own heading.

All claims should have a subheading under the rejection heading  
e.g. Claim 1; Claims 5-10; etc.

The failure of the appellant to separately argue claims means that the appellant has waived the requirement that the Board must consider the claims separately.

### ■ Claims Appendix

Must contain a clean copy of the claims. The only exception is a Reissue case.

## Appeal Brief Headings (cont.)

### ■ Evidence Appendix

Contains any evidence relied on:

Affidavits under 37 CFR §§1.130-132, that were entered during the prosecution.

Reference to unentered evidence is not permitted.

### ■ Related Proceedings Appendix

Contains copies of decisions rendered by a court or the Board that are pertinent to the appeal.